

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PRIME TIME HEALTHCARE, LLC,

Plaintiff,

vs.

BEDROCK HCS AT RIVERDALE LLC, and  
in all other capacities;

Defendant.

**8:23CV428**

**FINAL PROGRESSION ORDER  
(AMENDED)**

The Court grants the parties' Joint Motion to Modify the Final Progression Order.  
[Filing No. 46](#).

Accordingly,

IT IS ORDERED that the unexpired deadlines in the Final Progression Order, [Filing No. 30](#), are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for October 29, 2024 will be continued and will be held with the undersigned magistrate judge on **December 3, 2024 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by August 9, 2024.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): August 16, 2024.

For the defendant(s): September 13, 2024.

Rebuttal: October 15, 2024.

- 4) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): September 13, 2024.

For the defendant(s): October 15, 2024.

Rebuttal: November 13, 2024.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is December 2, 2024.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is December 26, 2024.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 3, 2025.
- 8) All deadlines and provisions in the Final Progression Order, [Filing No. 30](#), not amended herein remain unchanged.

Dated this 1st day of July, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.